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ATTORNEY FOR SANTANDER CONSUMER USA, INC. DBA CHRYSLER CAPITAL

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	
	§	
TYHARA ROSS,	§	CASE NO. 23-30249-MVL-13
DEBTOR.	§	JULY 6, 2023

OBJECTION TO CONFIRMATION OF THE AMENDED CHAPTER 13 PLAN

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW, Santander Consumer USA, Inc. dba Chrysler Capital ("Santander" or "Creditor"), objecting to the confirmation of the Amended Chapter 13 Plan proposed by Tyhara Ross ("Debtor") and for cause of action would respectfully show the Court as follows:

1. Creditor has a perfected security interest in a 2019 Dodge Challenger, vehicle identification number 2C3CDZJG9KH570969. As of the date of filing, Creditor was owed \$23,726.61.

2. Creditor is entitled to set and equal monthly payments pursuant to 11 U.S.C. §1325(a)(5)(B)(iii)(I), beginning as of the effective date of the Chapter 13 Plan. "Average" payments, "pro-rata" payments, variable payments and/or step payments that begin in any month other than month one contravenes 11 U.S.C. § 1325(a)(5)(B)(iii)(I) which requires equal and set monthly payments to the Creditor beginning in month one of the Chapter 13 Plan, which is defined as the first month payment is due to the Trustee pursuant to 11 U.S.C. §1326 (a)(1).

3. Creditor does not have current proof of insurance, listing Creditor as loss payee. The Plan should not confirm until current proof of insurance, listing Creditor as loss payee is received. Per paragraph 7(e) of General Order 2021-01, Debtor is not authorized to use this vehicle since Debtor has not "provide[d] proof of insurance to the lienholder upon request" and may not have insurance and thus has not "maintain[ed] insurance on the vehicle as required by the Debtor(s)' pre-petition contract." Debtor must cease all use of the vehicle until proof of insurance is provided to Creditor.

WHEREFORE, PREMISES CONSIDERED, Creditor prays for an Order of this Court:

1. Denying confirmation of Debtor's Amended Chapter 13 Plan as proposed; and
2. For such other and further relief, both general and specific, to which Creditor may show itself justly entitled.

Respectfully submitted,

/s/ Stephen G. Wilcox

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CHRYSLER CAPITAL

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Objection to Confirmation of the Amended Chapter 13 Plan was served by FIRST CLASS MAIL, POSTAGE PRE-PAID on:

Tyhara Ross
9000 Vantage Point Dr., No. 826
Dallas, TX 75243

and ELECTRONICALLY SERVED on:

Marcus Leinart
10670 N. Central Expressway, Suite 320
Dallas, TX 75231

Thomas Powers
105 Decker Ct., Suite 1150
Irving, TX 75062

Office of the U.S. Trustee
1100 Commerce, Room 976
Dallas, Texas 75242

Dated on June 19, 2023.

/s/ Stephen G. Wilcox

Stephen G. Wilcox